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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	78134559
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Submission	Request for Reconsideration
Attachments	TTAB_USPTO_2005-December-29.pdf (10 pages)
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Date	12/29/2005

United States Patent and Trademark Office (USPTO) (www.uspto.gov)

Trademark Trial and Appeal Board

Post Office Area 1451

stateless ZIP Code 22313-1451

gungner, david j. ,)	SERIAL NO. 78093634
)	
applicant,)	MISSING A RIB, XY INSTEAD OF XX
)	
regarding)	SERIAL NO. 78134559
)	
United States Patent and)	REMOVE A RIB, XY LESSER THAN XX
)	
Trademark Office,)	
)	
Trademark Trial and Appeal Board.)	REQUEST REGARDING RECONSIDERATION
)	
)	DENIED AND MODIFICATION OF A DECISION
)	
)	WITH APPLICANT'S SUPPLEMENTAL
)	
)	LEGAL BRIEF

david gungner, "individual inventor", requests issuance of "certificate of registration" as defined with United States Code Title 15 Section 1051(d)1 regarding SERIAL NO. 78093634 "MISSING A RIB, XY INSTEAD OF XX" (United States Patent and Trademark Office, Tuesday July 15th 2003 "notice of allowance", United States Code Title 15 Section 1063(b)2) and SERIAL NO. 78134559 "REMOVE A RIB, XY LESSER THAN XX" (United States Patent and Trademark Office, Tuesday March 11th 2003, "notice of allowance", United States Code Title 15 Section 1063(b)2).

1 **INDEX OF EXHIBITS**

2 EXHIBIT 001: USPTO International Trademark Protection (enpreent 9 of 10).

3 EXHIBIT 002: USPTO "one-size-fits-all" Service Mark / Trademark
4 (enpreent 10 of 10).

5
6 **FACTS**

7 **Summary of the Facts**

8 1. The Constitution of the United States Article I, Section 8, Clause 8
9 grants Congress the authority power {regarding} "to promote the progress of
10 science and useful arts, by securing for limited times to authors and
11 inventors the exclusive right to their respective writings and discoveries."

12 2. United States Patent and Trademark Office, Trademark Trial and
13 Appeal Board Manual {Documentation} of Procedure Section 102.03
14 General Description of Board Proceedings defines that "An ex parte
15 appeal, being appellate in nature, is a much simpler and shorter
16 procedure, involving only the filing of briefs by {viaVirtueOf} the
17 applicant and examining attorney, and, if requested by {viaVirtueOf}
18 the applicant, an oral hearing {verbal gathering}."

19 3. United States Patent and Trademark Office, Trademark Trial and
20 Appeal Board "Notice of Appeal" / "Ex Parte Appeal" was implemented
21 during Sunday January 16th 2005 timeInterval regarding SERIAL NO. 78093634
22 "MISSING A RIB, XY INSTEAD OF XX" and during Sunday July 25th 2004
23 timeInterval regarding SERIAL NO. 78134559 "REMOVE A RIB, XY LESSER THAN XX",
24 respectively.

1 4. United States Code Title 15 Section 1063(b)2 provides that when
2 the "applicant applied for registration" during Thursday November 15th 2001
3 timeInterval regarding SERIAL NO. 78093634 "MISSING A RIB, XY INSTEAD
4 OF XX" that the issuance accrues regarding a United States Patent and
5 Trademark Office, Tuesday July 15th 2003 "notice of allowance" of
6 "GOODS/SERVICES BY {ViaVirtueOf} INTERNATIONAL CLASS" aggregation 016.

7 5. United States Code Title 15 Section 1063(b)2 provides that when
8 the "applicant applied for registration" during Tuesday June 11th 2002
9 timeInterval regarding SERIAL NO. 78134559 "REMOVE A RIB, XY LESSER
10 THAN XX" that the issuance accrues regarding a United States Patent
11 and Trademark Office, Tuesday March 11th 2003 "notice of allowance" of
12 "GOODS/SERVICES BY {ViaVirtueOf} INTERNATIONAL CLASS" aggregation 042.

13 6. SERIAL NO. enumeration 78093634 "MISSING A RIB, XY INSTEAD OF
14 XX" "statement of use" United States Code Title 15 Section 1051(d)1
15 starting Thursday January 15th 2004 and SERIAL NO. enumeration 78134559
16 "REMOVE A RIB, XY LESSER THAN XX" "statement of use" United States Code
17 Title 15 Section 1051(d)1 starting Thursday September 11th 2003 included
18 "specimens or facsimiles of the mark as used in commerce" with both
19 unicode U+00AE ® and unicode U+2122 ™ (in unicode numeric ordering)
20 describing how SERIAL NO. enumeration 78093634 "MISSING A RIB, XY
21 INSTEAD OF XX" and SERIAL NO. enumeration 78134559 "REMOVE A RIB, XY
22 LESSER THAN XX" exist utilized in the context of "commerce" (United
23 States Code Title 15 Section 1051(d)1), "GOODS/SERVICES BY {ViaVirtueOf}
24 INTERNATIONAL CLASS" aggregation 016 and "GOODS/SERVICES BY {ViaVirtueOf}
25 INTERNATIONAL CLASS" aggregation 042, respectively.

1 7. United States Code Title 15 Section 1070 provides that "An appeal
2 may be taken to the Trademark Trial and Appeal Board from any final
3 decision of the examiner in charge of the registration of marks upon the
4 payment of the prescribed fee." of USD\$100.00 (monetary fee payment
5 provided regarding SERIAL NO. 78134559 "REMOVE A RIB, XY LESSER THAN XX"
6 during July 2004 timeInterval). Title 37 Code Federal Regulations Section
7 2.122(b)(1) considers the "file" of SERIAL NO. 78134559 "REMOVE A RIB, XY
8 LESSER THAN XX" (United States Patent and Trademark Office, Tuesday March
9 11th 2003, "notice of allowance", United States Code Title 15 Section
10 1063(b)2) as "part of the record of the proceeding without any action by
11 {viaVirtueOf} the parties and reference may be made to the file for any
12 relevant and competent purpose." The existing SERIAL NO. 78134559 "REMOVE
13 A RIB, XY LESSER THAN XX" "file" is sufficient regarding applicant's legal
14 appeal brief (applicant's legal brief) requirement of Friday September 23rd
15 2004. In the context of United States Patent and Trademark Office (USPTO)
16 Internet information [EXHIBIT 001] (Tuesday October 25th 2005 timeInterval)
17 (enpreent 9 of 10) and United States Patent and Trademark Office (USPTO)
18 Internet information [EXHIBIT 002] (Tuesday October 25th 2005 timeInterval)
19 (enpreent 10 of 10), requesting a United States Patent and Trademark
20 Office, Trademark Trial and Appeal Board "appeal" (United States Code
21 Title 15 Section 1070, Title 37 Code Federal Regulations Section
22 2.122(b)(1)) "certificate of registration" (United States Code Title 15
23 Section 1051(d)1) regarding SERIAL NO. 78134559 "REMOVE A RIB, XY
24 LESSER THAN XX".
25

1 8. Requesting Reconsideration and Modification (Title 37 Code Federal
2 Regulations Section 2.127(b)) regarding "APPLICANT'S LEGAL BRIEF" "APPEAL
3 BRIEF" timeInterval as there is a requirement of utilizing the exclusive
4 methodology defined viaVirtueOf the United States Patent and Trademark Office
5 <http://www.uspto.gov> ernment regarding Internet World Wide Web "On Line for
6 Independent Inventors" "DigiChat" ePosting and eResponse. The actual edited
7 transcripts that include "USPTO Expert2" eResponses of Tuesday December 7th 2004
8 [EXHIBIT 001] (Tuesday October 25th 2005 timeInterval) (enpreent 9 of 10) and
9 Thursday June 10th 2004 [EXHIBIT 002] (Tuesday October 25th 2005
10 timeInterval) (enpreent 10 of 10) United States Patent and Trademark Office >
11 Patents > Inventors Resources > On Line for Independent Inventors have
12 received, at this timeInterval, subsequent indexing with the eResponses Topic
13 Index of the United States Patent and Trademark Office > Patents > Inventors
14 Resources > Information > "FAQs from previous chats" Inventor RESOURCES On
15 Line Chat Transcripts. The timeInterval of Monday July 26th 2004, Thursday
16 September 23rd 2004 continuing with Thursday March 17th 2005 was required
17 regarding the continuing utilization of agreed edited transcripts of "USPTO
18 Expert2" eResponses of Tuesday December 7th 2004 and Thursday June 10th 2004 in
19 the direction regarding eResponses Topic Index of "FAQs from previous chats"
20 Inventor RESOURCES On Line Chat Transcripts with continuation as of Tuesday
21 October 25th 2005 timeInterval.

"CERTIFICATE OF REGISTRATION"

9. United States Code Title 15 Section 1051(d)1 describes that with the documented, existing, provided accuracy regarding SERIAL NO. enumeration 78093634 "MISSING A RIB, XY INSTEAD OF XX" "statement of use" United States Code Title 15 Section 1051(d)1 and SERIAL NO. enumeration 78134559 "REMOVE A RIB, XY LESSER THAN XX" "statement of use" United States Code Title 15 Section 1051(d)1, both SERIAL NO. enumeration 78093634 "MISSING A RIB, XY INSTEAD OF XX" and SERIAL NO. enumeration 78134559 "REMOVE A RIB, XY LESSER THAN XX" should receive United States Patent and Trademark Office "certificate of registration" United States Code Title 15 Section 1051(d)1.

10. "notice of allowance" of "GOODS/SERVICES BY {ViaVirtueOf} INTERNATIONAL CLASS" isn't International Trademark Protection and is just United States geographic area region Trademark Protection [EXHIBIT 001] (enpreent 9 of 10).

11. SERIAL NO. enumeration 78093634 "MISSING A RIB, XY INSTEAD OF XX" and SERIAL NO. enumeration 78134559 "REMOVE A RIB, XY LESSER THAN XX" exist as trademark applications regarding "registration" (United States Code Title 15 Section 1063(b)2). "Service Mark" construct interleaving is just that of a United States Patent and Trademark Office Trademark [EXHIBIT 002] (enpreent 10 of 10).

1 12. If United States Patent and Trademark Office "certificate of
2 registration" (United States Code Title 15 Section 1051(d)1) isn't
3 implementable, at this timeInterval, am requesting a 100% monetary refund
4 regarding SERIAL NO. enumeration 78093634 "MISSING A RIB, XY INSTEAD OF XX"
5 and SERIAL NO. enumeration 78134559 "REMOVE A RIB, XY LESSER THAN XX"
6 United States Patent and Trademark Office electronic application filings
7 (United States Patent and Trademark Office, Trademark Trial and Appeal
8 Board Manual {Documentation} of Procedure Section 119.02 Papers and
9 Fees---Ex Parte Cases).

10 **Trademark Trial and Appeal Board "oral hearing" / verbal gathering**

11 13. With possible consideration, if available, Trademark Trial and
12 Appeal Board "oral hearing" / verbal gathering utilizing existing
13 United States Patent and Trademark Office Internet 'chat' regarding the
14 geographic area region of Los Angeles County that, at this timeInterval,
15 interleaves with the United States Patent and Trademark Depository
16 Library Program (PTDLP), Los Angeles County, Los Angeles Public Library,
17 Central Library, The Science, Technology, & Patents Department, a
18 United States Patent & Trademark Office Depository Library (United States
19 Patent and Trademark Office, Trademark Trial and Appeal Board Manual
20 {Documentation} of Procedure Section 1216 Oral Hearing {Verbal Gathering}).
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I inatwith certify that this correspondence is Internet electronic
filing regarding the United States Patent and Trademark Office on the
earthCalendarDate Thursday, December 29th 2005.

wholeheartedly, david gungner (Thursday, December 29th 2005).

"individual inventor"

SERIAL NO. enumeration 78093634 "MISSING A RIB, XY INSTEAD OF XX"

_____/0a9h5a3wh9topev5i8sw/____ (Signature)

SERIAL NO. enumeration 78134559 "REMOVE A RIB, XY LESSER THAN XX"

_____/6qrgzfpmn8nsv6l63wi5/____ (Signature)

___david gungner_,__ h_sapien ___ (Print or Type Name and Position)

_____12/29/2005_____ (earthCalendarDate MM/DD/YYYY)

missing a rib, XY instead of XX [™] GenesIs 2:20-23 (GenesIs 22:10)

remove a rib, XY lesser than XX [™] GenesIs 2:20-23

1 **EXHIBIT 001: USPTO International Trademark Protection.**

2

3

4 **Trademark Protection**

5 **How can I insure that my patent or trademark is protected internationally?**

6 U.S. patents only protect your invention in the United States. To protect your
7 invention internationally you must file applications in each country where you seek
8 protection. The same goes for trademarks. International filings can be quite
9 complicated you may want to consult with a registered patent attorney/agent.

10 United States Patent and Trademark Office (USPTO) Internet information:
11 <http://www.uspto.gov/web/offices/com/iip/transcriptst z.htm> .

12 Last Modified: 10/25/2005 09:00:47

13 **"USPTO Expert2"** eResponse from
14 actual edited transcript of Tuesday, December 7, 2004
15 On Line for Independent Inventors (07DEC2004) .

EXHIBIT 002: USPTO "one-size-fits-all" Service Mark / Trademark.

Service Mark

I'm interested in registering a Service Mark but noticed there are two types of applications. What are the differences?

There is only one application for either a service mark or a trademark in the electronic trademark filing system at the USPTO website. You are encouraged to file electronically if possible. If you are looking at paper forms, the information required for a trademark and a service mark is basically the same - only the terminology differs slightly. If you are filing a paper application, you should file the service mark application if you are applying for a service mark just to keep things from getting confusing. But it's best to use the "one-size-fits-all" application for filing either a trademark or service mark that's available on line.

United States Patent and Trademark Office (USPTO) Internet information:
<http://www.uspto.gov/web/offices/com/iip/transcriptsns.htm>.

Last Modified: 10/25/2005 09:00:46

"USPTO Expert2" eResponse from
actual edited transcript of Thursday, June 10, 2004
On Line for Independent Inventors (10JUN2004) .